



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

TUESDAY, THE 02nd DAY OF NOVEMBER 2021

THE HON'BLE MR. JUSTICE N.SESHASAYEE

C.S.No.879 of 2017

ITC Limited,
Education and Stationery Products Business,
ITC Centre, 5th Floor,
No.760, Anna Salai,
Chennai 600 002.
Rep. By its Head of Finance and
Power of Attorney Holder
Mr.P.Ramkumar.

: Plaintiff

Vs

K.Ramprasath,
S/o A.Kalaimani,
Proprietor,
M/s Sabari Agency,
No.47, Village Street,
Thiruvottiyur,
Chennai 600 019.

: Defendant

Civil Suit praying that this Hon'ble Court be pleased to pass a
judgment and decree:

a. For a sum of Rs.1,25,34,812/- (Rupees One crore twenty five
lakh(s) Thirty Four Thousand Eight Hundred and Twelve Only) together
with interest at the rate of 24% on Rs.73,92,961/- (Rupees seventy three



lakh(s) Ninety Two Thousand Nine Hundred Sixty One only) from the date of plaint till the date of realization.

b. for the costs of this suit.

This Civil Suit coming on this day before this court for hearing in the presence of Ms.Vandana Parasuram for Mr.K.Krishnamoorthy, Advocates for the Plaintiff herein and the defendant herein, not appearing in person or by advocate and the said defendant herein having been set exparte and upon reading the plaint filed herein, and upon perusing the evidence adduced therein, and the other exhibits therein referred to and this court having observed that the plaintiff has proved his case, **it is ordered and decreed as follows:-**

That the defendant herein do pay to the plaintiff herein a sum of Rs.1,97,24,415.93/- (Rupees One Crore Ninety Seven Lakhs Twenty Four Thousand Four Hundred and Fifteen and Paise Ninety Three Only) with further interest at the rate of 24% per annum on the sum of Rs.73,92,961/- (Rupees Seventy Three Lakhs Ninety Two Thousand Nine Hundred and Sixty One only) from this date till the date of realization.



this suit as and when taxed by the taxing officer of this court and noted in the margin thereof.

WITNESS THE HON'BLE MR. JUSTICE SANJIB BANERJEE,
CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE
02nd DAY OF NOVEMBER 2021.

Sd/-
ASSISTANT REGISTRAR (O.S.I)

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

From 25th Day of September 2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.



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17.03.2022

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C.S.No.879 of 2017

ORDER :-

DATED: 02.11.2021

THE HON'BLE MR. JUSTICE
N.SESHASAYEE

FOR APPROVAL: 18.03.2022

APPROVED ON: 22.03.2022



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5

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2021

CORAM : JUSTICE N.SESHASAYEE

C.S.No.879 of 2017

ITC Limited
Education and Stationery Products Business
ITC Centre, 5th Floor
No.760, Anna Salai
Chennai – 600 002.
Rep. by its Head of Finance and
Power of Attorney Holder
Mr.P.Ramkumar

... Plaintiff

Vs.

K.Ramprasath

... Defendant

Prayer : Civil Suit filed under Order IV Rule 1 of O.S. Rules read with Order VII Rule 1 of C.P.C., praying for a judgment and decree against the defendant :

- (a) for a sum of Rs.1,25,34,812/- (Rupees One Crore Twenty Five Lakhs Thirty Four Thousand and Eight Hundred and Twelve only) together with interest at the rate of 24% on Rs.73,92,961/- (Rupees Seventy Three Lakhs Ninety Two Thousand Nine Hundred Sixty One only) from the date of the plaint till the date of realization.
- (b) for the costs of this suit and
- (c) for such other order as this Court may deem fit and proper in the circumstances of the case.



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JUDGMENT

The suit is for recovery of a sum of Rs.1,25,34,812/-, which comprises of the outstanding dues of Rs.73,92,961/- + interest amount of Rs.51,41,851/-, calculated at 24% per annum, for the goods supplied to the defendant by the plaintiff on various occasions.

2. The plaintiff alleges in the plaint that it is a public limited company, that it deals with the business of supplying education and stationery products business, having its principal office at Chennai, and that the defendant has placed orders for supply of products, which the plaintiff deals in, and the goods were supplied across the invoices which contained the terms and conditions, that the goods were supplied on credit, and that the defendant was making irregular payments and invariably beyond the credit period agreed as per the contract. It is further alleged in the plaint that in all the defendant is due to pay a sum of Rs.73,92,961/-.

3. The defendant has remained exparte. The plaintiff has authorised one P.Hardik Patel, who examined himself as P.W.1 He has also produced Ext.P1 to Ext.P9. Of which, Ext.P3, Ext.P5 and Ext.P6 are the documents pertaining to the sale of the goods by the plaintiff to the defendant. Ext.P9



is the accounts statement showing the details of transactions between the plaintiff and the defendant for the period 01.04.2013 to 31.08.2017 , and Ext.P8 is the bank statement given by the plaintiff's banker, also giving the details of payment made by the defendant.

4. After considering the case of the plaintiff and evidence, this Court holds that the plaintiff has proved his case and accordingly, the suit is liable to be decreed.

5. In conclusion, the suit is decreed with costs and the defendant is directed to pay the plaintiff a sum of Rs.73,92,961/- with interest amount of Rs.51,41,851/-, and also directs him to pay the future interest at the same interest from the date of the suit till its realisation.

Sd./-N.S.S.J.
02.11.2021

APPENDIX

I. Witnesses :

<i>Plaintiffs :</i>	
P.W.1	P.Hardik Patel
<i>Defendants : Nil</i>	

II. Exhibits :

<i>Plaintiffs :</i>		
Ex.P1	05.02.2018	Photocopy of Power of Attorney of Mr.Hardik Patel (P.W.1)



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Plaintiffs :		
Ex.P2	-	Original Letter addressed by the defendant to the plaintiff confirming that the defendant is a proprietorship concern
Ex.P3	17.9.2013	Letter to the plaintiff by the defendant authorizing the transporters to collect the goods
Ex.P4	17.09.2013	Letter from the HDFC Bank authorising that the defendant is holding a bank account with them since 21.11.2012
Ex.P5	-	Original copy of the plaintiff's condition of sale, duly authorised by the defendant
Ex.P6	28.06.2014	Triplicate copy of the invoice for the supply made by the plaintiff to the defendant
Ex.P7	29.06.2015	Legal notice issued by the plaintiff counsel to the defendant
Ex.P8	12.10.2017	Bank statement of the plaintiff's banker also providing confirmation on payments made by the defendant
Ex.P9		Account Statement showing the details of transactions between the plaintiff and respondent for the period 01.4.2013 to 31.08.2017.
Defendants : Nil		

Sd./-N.S.S.J.
02.11.2021

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

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